

Remarks

This is in response to the Office Action dated May 6, 2004 in which, but for claim 4, the pending claims were rejected as being obvious over the prior art, Davidson (USP 4050457) and Brumfield (USP 3049121) being the main references.

The claims of the instant application at present clearly require a device that blocks the nose and where the mouth opens through an opening in the region of the mouth. The above amendment to claim 1, modeled after claim 10, clarifies the fact that the nose is blocked by the adhesion of the sheet around the nose.

Davidson (USP 4050457) describes a mouth-to-mouth shield in the form of a sheet of thin sheet material and having a hole 11 positioned above the mouth. The sheet itself is not adhesive except for the embodiment in Figure 4 that has a thin strip 23 of adhesive along opposite ends of the shield. The specification states that this adhesive coating 23 is "for use in holding the shield in place on a victim's face". Moreover, the specification states that "Tab 24 is removed and the adhesive coating 23 is stuck to the side of the victim's head during use." [Column 2, lines 62-64.] It is clear, therefore, that the adhesive on this shield is confined to the ends of the shield, which would extend along the side of the face, and in particular "stuck" to the side of the victim's head during use. There is thus certainly no suggestion that the adhesive serves any sealing function and, more particularly, there is no suggestion that the adhesive seals around the nose and mouth in the manner required by the claims of the present application. The Davidson device is described as being for use in mouth-to-mouth resuscitation. The person giving such resuscitation would close the patient's nose by pinching it between finger and thumb. Pressure of the care giver's mouth around the mouth of the patient is relied on to provide a seal. Thus, the Davidson disclosure does not in any way anticipate the claims of the present application.

Brumfield (3049121) describes a filter mask, not a ventilation device. It is comprised of a pleated filter paper and a peripheral adhesive edge strip by which the device is held on the face. The purpose of this mask is to enable the user to breath normally through his nose and mouth via the filter and there is certainly nothing to suggest that the mask seal closed the nose in the manner of the present invention.

So, even if the teachings of Davidson and Brumfield were combined, there is still nothing to suggest that an adhesive sheet be used to block passage through the nose, as required by the claims of the present application.

Because independent claim 10 prior to this amendment already requires the nose to be blocked by adhesive contact of the sheet, it is respectfully submitted that the amendment to claim 1 does not raise any new issue.

Accordingly, the examiner is respectfully requested to reconsider this application and pass the same to issue at an early date. Notwithstanding the above, if after review of this amendment, the examiner has suggestions for expediting the prosecution of this case, she is respectfully requested to contact the undersigned.

Respectfully submitted,



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